

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION  
THIS DOCUMENT RELATES TO:

All Actions

MDL No. 2419  
Master Dkt. 1:13-md-02419-RWZ

**NOTICE OF TAKING DEPOSITION PURSUANT TO RULE 30(b)(6)**  
**TO MURPHY HEALTHCARE GROUP**

TO: Murphy Healthcare Corporation  
Also known as Murphy Healthcare Group  
210 Summit Avenue  
Montvale, NJ 07645

Pursuant to FRCP Rule 30(b) (6) the named entity is hereby commanded to designate a representative or representatives (the “Designees”) to appear on its behalf for a videotaped deposition before a notary public or some other officer authorized by law to administer oaths at the offices of Parker, McCay, PA, 9000 Midlantic Drive, Mt. Laurel, NJ 08054 at 10:00 A.M. on June 26, 2015 then and there to give evidence in the above captioned matter. Said Designees must be able to testify with a reasonable particularity regarding the subjects and matters upon which examination is requested.

Pursuant to FRCP 30(b) (6) the named entity is required to designate and fully prepare one or more officers, directors, managing agents, or other persons with the most knowledge concerning the above-designated matters; or other persons who consent to testify on its behalf and whom such entity will fully prepare to testify, regarding the following designated matters and as to such information which is known or reasonably available to the organization:

1. The authenticity of documents produced pursuant to Subpoena.

2. The completeness of the documents produced pursuant to Subpoena.
3. The method of search for the documents produced pursuant to Subpoena.
4. MHG's business relationship to the following entities:
  - a. Premier ASC;
  - b. Premier Orthopaedics;
  - c. Premier Surgical Center LLC; and
  - d. Any owner of Premier ASC, Premier Orthopaedics or Premier Surgical Center LLC.
5. All MHG officers and employees providing services to any of the following entities or individuals associated with Premier ASC; Premier Orthopaedics; Premier Surgical Center LLC; any owner of Premier ASC, Premier Orthopaedics; and Premier Surgical Center LLC.
6. Contracts between MHG and Premier, Drs. Thomas A. Dwyer, MD, John Catlalano, Richard C. DiVerniero, Rahul V. Shah, Kimberly Yvette Smith, MD, a/k/a Kimberley Yvette Smith-Martin, M.D and/or Vannette Perkins for any services rendered for the period December 1, 2008 until December 1, 2012.
7. Invoices for services rendered by MHG to Premier, Drs. Thomas A. Dwyer, MD, John Catlalano, Richard C. DiVerniero, Rahul V. Shah, Kimberly Yvette Smith, MD, a/k/a Kimberley Yvette Smith-Martin, M.D and/or Vannette Perkins for the period December 1, 2008 until December 1, 2012.

8. Correspondence, emails and any FAX communications from any MHG employee, officer, or agent to Premier, Drs. Thomas A. Dwyer, MD, John Catlalano, Richard C. DiVerniero, Rahul V. Shah, Kimberly Yvette Smith, MD, a/k/a Kimberley Yvette Smith-Martin, M.D and/or Vannette Perkins for the period December 1, 2008 until December 1, 2012.

9. Correspondence, emails and any FAX communications to any MHG employee, officer, or agent from Premier, Drs. Thomas A. Dwyer, MD, John Catlalano, Richard C. DiVerniero, Rahul V. Shah, Kimberly Yvette Smith, MD, a/k/a Kimberley Yvette Smith-Martin, M.D and/or Vannette Perkins for the period December 1, 2008 until December 1, 2012.

10. MHG's roles, responsibilities and functions relating to Premier ASC's clinical operations for the period beginning December 1, 2008 and ending December 1, 2012.

11. MHG's roles, responsibilities and functions relating to Premier ASC's accreditation and licensure for the period beginning December 1, 2008 and ending December 1, 2012.

12. MHG's roles, responsibility and functions in formulating, adopting, implementing and monitoring Premier ASC's drug formulary for the period December 1, 2008 and ending December 1, 2012.

13. MHG's role, responsibility and functions in formulating, adopting, implementing and monitoring Premier ASC's determination of sources of drugs and medications utilized at Premier ASC for the period December 1, 2008 and ending December 1, 2012.

14. MHG's roles, responsibility and functions in formulating, adopting, implementing and monitoring Premier ASC's policies relating to prescription drug procurement,

prescription drug shipment receipt, prescription drug dispensing and prescription drug inventory policies and procedures for the period beginning December 1, 2008 and ending December 1, 2012.

15. MHG's role, responsibility and functions in formulating, adopting, implementing and monitoring Premier ASC's crisis management responses.

16. MHG's role, responsibility and functions in formulating, adopting, implementing and monitoring Premier ASC's billing patients and/or third party payers for services, drugs or supplies for the period December 1, 2008 and ending December 1, 2012.

Dated: June 3, 2015

Respectfully submitted,

/s/ Benjamin A. Gastel

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and

/s/ Kimberly A. Dougherty

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*Members of the Plaintiffs Steering Committee*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 3, 2015 a true and exact copy of the foregoing was filed with this the Clerk of the Court using the ECF system that sent a notification of this filing to all ECF registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Benjamin A. Gastel  
Benjamin A. Gastel